

Resolution # 04-3

Resolution Determining Consistency)
of the City of Marina's Marina Heights)
Project, General and Specific Plans)
with the Fort Ord Base Reuse Plan)

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. On June 13, 1997, the Fort Ord Reuse Authority ("FORA") adopted the Final Base Reuse Plan prepared in accordance with the requirements of Government Code Section 67675, et seq.
- B. Section 67675, et seq., of the Government Code, provide that, after FORA has adopted a reuse plan, each county or city within the territory occupied by Fort Ord is required to submit to FORA its general plan or amended general plan and zoning ordinances, and to submit project entitlements, satisfying the requirements of said statutes.
- C. By Resolution No. 98-1, the Authority Board of FORA adopted policies and procedures that address how the Authority Board will implement the provisions of the Government Code referenced in Paragraph B.
- D. The City of Marina (Marina) is a member of FORA. Marina has land use authority over land situated within the former Fort Ord and subject to FORA's jurisdiction.
- E. After conducting a duly noticed public meeting in March of 2004, the Marina City Council, approved the entitlement of the Marina Heights project and related General Plan amendments and a Specific Plan covering lands on the former Fort Ord. That approval is consistent with land use designations in the Marina General Plan, and includes adopted policies and programs, for all of the City's territory within the jurisdiction of FORA. A copy of the City's entitlement, General Plan Amendments and Specific Plan are attached as Exhibits and made a part of this Resolution.
- F. The Marina City Council made findings that the Fort Ord Base Reuse Plan Final Environmental Impact Report, certified by the Board on June 13, 1997, and the Environmental Documentation prepared by the City for the current action, and that the Marina General Plan, previously approved by the FORA Board, adequately studied the potential environmental impacts of the project and were prepared in compliance with the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The City Council adopted mitigation measures and a mitigation monitoring program for identified potential significant environmental impacts. For environmental impacts that could not be reduced to less than significant level, the City determined that overriding considerations justified approval. The City submitted to FORA its entitlement for the Marina Heights project, together with the accompanying General Plan amendments, and Specific Plan for determination whether they are consistent with the Reuse Plan.
- G. The City Council found the project is consistent with the Fort Ord Base Reuse Plan, FORA's plans and policies and the Fort Ord Reuse Authority Act. Further, the City

considered the Fort Ord Base Reuse Plan EIR and adopted Addenda to the EIR, and other evidence supporting the findings.

- H. On March 10, 2004 the City provided FORA with a complete copy of the Marina Heights entitlement and related General Plan amendments, and Specific Plan for lands on the former Fort Ord, the resolutions and/or ordinance approving it, a staff report and materials relating to the Action, a reference to the environmental documentation and/or CEQA findings, and findings and evidence supporting its determination that the Entitlement and Plans are consistent with the Fort Ord Base Reuse Plan and the Fort Ord Reuse Authority Act (collectively, "Supporting Material"). The City requested that FORA certify the Plan as being consistent with the Fort Ord Base Reuse Plan for those portions of the City that lie within the jurisdiction of the Fort Ord Reuse Authority.
- I. FORA's Executive Officer and the FORA Administrative Committee reviewed Marina's application for consistency evaluation. The Executive Officer submitted a report recommending that the FORA Board find that the Marina Heights application is consistent with the Fort Ord Base Reuse Plan.
- J. Master Resolution, Chapter 8, Section 8.02.010(a)(4) reads in part: "(a) In the review, evaluation, and determination of consistency regarding legislative land use decisions, the Authority Board shall disapprove any legislative land uses decision for which there is substantial evidence supported by the record, that [it] (4) Provides uses which conflict or are incompatible with uses permitted or allowed in the Reuse Plan for the affected property..."
- K. In this context, the term "consistency" is defined in the General Plan Guidelines adopted by the State Office of Planning and Research as follows: "An action, program, or project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment."
- L. FORA's consistency determination must be based upon the overall congruence between the submittal and the Reuse Plan, not on a precise match between the two.

NOW THEREFORE be it resolved:

1. The FORA Board has reviewed and considered the Fort Ord Base Reuse Plan Final Environmental Impact Report and Marina's Environmental Material Addendum (collectively, the "Environmental Documentation") and finds that the Environmental Documentation is adequate and complies with the California Environmental Quality Act. The FORA Board finds further that these documents are sufficient for purposes of FORA's determination of consistency of City's Marina Heights entitlement, General Plan amendments, and Specific Plan.
2. The Board has considered the materials submitted with this application and the recommendation of the Executive Officer and Administrative Committee concerning the application.
3. The Board finds that, in regard to the City's Marina Heights entitlement, General Plan amendments, and Specific Plan, the City has followed the procedures and fulfilled the requirements of the Implementation Process and Procedures of the Fort

Ord Base Reuse Plan and the Master Resolution and has met the requirements of Government Code section 67675, and following.

4. The Board finds that the City has provided substantial evidence that the Plan is consistent with the Fort Ord Base Reuse Plan. The Board further finds that the legislative decision made hereto has been based in part upon the substantial evidence submitted regarding allowable land uses, a weighing of the Base Reuse Plan's emphasis on a resource constrained sustainable reuse that evidences a balance between jobs created and housing provided, and that the cumulative land uses contained in the City's General Plan and Specific Plan are not more intense or dense than those contained in the Base Reuse Plan.
5. The City's Marina Heights entitlement, General Plan amendments, and Specific Plan, will, considering all its aspects, further the objectives and policies of the Final Base Reuse Plan. The Marina Heights application is hereby determined to satisfy the requirements of Title 7.85 of the Government Code and the Fort Ord Base Reuse Plan.
6. The Board acknowledges citizen concern over the effect of the City's Marina Heights project on housing opportunities. The Board finds that the City's Marina Heights entitlement, General Plan amendments, and Specific Plan, enables affordable housing units to be constructed and offers other compensating opportunities for persons of color in and around the former Fort Ord.

Upon motion of Director Johnsen, seconded by Director Barlich, the foregoing resolution was passed on this 14th day of May 2004 by the following vote:

AYES:	11
NOES:	-0-
ABSTENTIONS:	-0-
ABSENT:	2

I, JERRY SMITH, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered under Item 6a, on pages 2 and 3 of the minutes of the board meeting of May 14, 2004, thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED July 2, 2004

BY 
Mayor Jerry Smith, Chair
Fort Ord Reuse Authority Board of Directors